

No. 9/6/86-6Lab./3067.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of Chief Engineer Hydel W.Y.C.H.E. Project, Haryana State Electricity Board, Yamuna Nagar :—

IN THE COURT OF SHRI V. P. CHAUDHRY, PRESIDING OFFICER, LABOUR COURT, AMBALA

Reference No. 350 of 1984

Old No. 313 of 1982

SHRI SATYAVIR SINGH, WORKMAN AND THE MANAGEMENT OF THE CHIEF ENGINEER HYDEL W.Y.C.H.E. PROJECT HARPARA STATE ELECTRICITY BOARD YAMUNANAGAR

Present :—

Shri Balbir Singh, for workman

Shri S.S. Sirohi, for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred,—vide clause (C) of sub-section(i) of section 10 of the Industrial Disputes Act, 1947, referred dispute between Shri Satyavir Singh workman and the Messrs Chief Engineer Hydel W.Y.C.H.E Project and H.S.E.B, Yamuna Nagar to Labour Court, Faridabad. The terms of the reference are as under :—

“Whether termination of services of Shri Satyavir Singh workman was justified and in order? If not, to what relief is he entitled?”

Labour Court was constituted in April, 1984 at Ambala, so this reference was received by transfer.

Shri Satyavir Singh, workman through his demand notice alleged that he was appointed on 1st. December, 1978 on *ad hoc* basis as LDC and was posted at Hydel project, Bhudkalan. His services were terminated on 24th June, 1982 illegally in contravention of section 25 (F) of Industrial Disputes Act, 1947. He has prayed for his reinstatement with continuity in service and with full back wages.

Respondant management contested the dispute and contended that the reference is bad for non-joinder of necessary parties. It was also contended that parties have got no relationship of employee and employer. It was further contended that dispute, in question does not cover under the Industrial Disputes Act, so this court has got no jurisdiction to try this matter. It was also contended that Shri Satyavir Singh was appointed on *ad hoc* basis. He was involved in a criminal case. On the expiry of contract between the parties and due to involvement of workman in a criminal case. His services were dispensed with on the basis of misconduct as per the terms and conditions of his appointment letter No. 2. So workman is not entitled to the relief prayed for.

On the pleadings of the parties the following issues have been framed.—

Issues.—

1. Whether the respondent is not an industry, if so, to what effect.
2. Whether relationship of employee and employer between the parties does not exist.
3. As per reference.

I have heard Shri Balbir Singh A.R. of workman and Shri S. S. Sirohi for respondent-management and have perused the oral and documentary evidence placed on the file. My issue-wise findings are as under:—

Issue No. 1.—

This issue was not opposed by Shri S. S. Sirohi at the time of arguments and he could not afford to deny this fact that H.S.E.B. is not an industry. So this issue is decided in favour of workman against the respondent.

Issue No. 2 :

This issue was also not pressed nor any arguments were advanced. It is admitted fact that Satyavir Singh remained in the employment of respondent so relationship of employee and employer extended between the parties. Accordingly, this issue is decided against respondent.

Issue No. 3 :

In respect of this issue it is very essential to go through the appointment letter Ex. M-1 its clause (I) reads that this appointment of workman Satyavir Singh is on purely temporary basis for a period not exceeding six months and his services will be terminated by the board at any time without notice. This appointment will however, not confer upon him any right to claim absorption on regular basis the subsequent order of his reappointment in the service of respondent. Copies of the same are Ex. M-2 to M-9 of these order read that services of Shri Satyavir Singh are terminable without notice on either side upon before the period of appointment expires. When Satyavir Singh appeared in the witness box as AW-1. He could not afford to deny the terms and conditions of his appointment, he also admitted that he was involved in a criminal case and due that fact his services were terminated.

The termination order copy of the same is Ex. M-10 reads that Satyavir Singh having involved in a criminal case and police custody since 25th June, 1985 in connection with roting on the Hydel Project site on 21st June, 1982. So his services stands terminated in view of above facts and evidence are re-produced above it is clear that applicant was appointed on *ad hoc* basis in other words only for six months and an expiry of every six months a fresh letter of appointment was issued to him, in the appointment letter there was a specific clause that services shall be terminated without any prior notice even before the expiry of contractual period and similarly it was done so section 25 (F) of Industrial Disputes Act, 1947 is not attracted. Accordingly, Shri Satyavir Singh is not entitled to relief claimed for regarding the controversy in dispute. I hold that workman has failed to establish his right of reinstatement with continuity in service and with full back wages. So I pass award regarding the dispute between the parties accordingly.

V. P. CHAUDHARY,

Dated the 7th March, 1986.

Presiding Officer,
Labour Court, Ambala.

Endorsement No. 699, dated the 7th March, 1986.

Forwarded (four copies), to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

No. 9/6/86-6Lab/3237.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s Kharati Lal Malhotra, Constituted Authority-cum-General Manager, Hundewala Farm, Jagadhri.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Reference No. 152 of 1985

SHRI LAKH RAJ WORKMAN AND THE MANAGEMENT OF THE MESSRS SHREE
KHARATI LAL MALHOTRA, CONSTITUTED AUTHORITY-CUM-GENERAL MANAGER,
HUNDEWALA FARM, JAGADHRI

Present : —

Shri Lakh Raj, workman in person.

Shri W. C. Sharma, for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of the powers conferred,—vide clause (c) of sub-section (1) of section (10) of the Industrial Disputes Act, 1947, referred dispute between Shri Kharati Ram, Hundewala Farm, Jagadhri, to this Court. The terms of the reference are as under:—

"Whether termination of services of Shri Lakh Raj, workman, is justified and correct? If not, to what relief is he entitled?"

Workman, through his demand notice alleged that he had been working as a permanent Farm Labourer in Hundewala Farm, Jagadhri under the control of respondent-management. His services were terminated with effect from 1st November, 1984 without any cause or reason whatsoever. He further alleged that the order of termination is quite illegal arbitrary and against all the cannons of justice. He prayed for his reinstatement with continuity of service and with full back wages.

Shri Kharati Ram was served. He appeared to contest this litigation thereafter, Shri Inder Sain moved an application that Balarpur Industry, Yamuna Nagar is a necessary party to this litigation but that was opposed by the respondent. Ultimately that application was dismissed. During the pendency of the trial Shri Lakh Raj and Shri Kharati Ram reached at settlement which is Ex.O-1. According to this settlement Shri Lakh Raj waived his all rights of reinstatement with continuity in service and alleged back wages on receipt of a cheque of Rs. 1,953 in court in full and final settlement. Statement to this effect of both the parties have been recorded.

In view of above statement I pass award regarding the controversy between the parties accordingly.

V. P. CHAUDHARY,

Dated the 19th March, 1986.

Presiding Officer,
Labour Court, Ambala.

Endst. No. 933, dated the 24th March, 1986.

Forwarded (four copies), to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

KULWANT SINGH,

Secretary to Government, Haryana,
Labour and Employment Department.

श्रम विभाग

दिनांक 5 मई, 1986

सं० ओ०वि०/अम्बाला/20-86/15128—चूंकि हरियाणा के राज्यपाल की राय है कि मै० (1) की आफिसर इन्वार्ज, सेंट्रल सोयल एण्ड वाटर कन्जरवेशन, रिसर्च एण्ड ट्रेनिंग इन्स्टीच्यूट, रिसर्च सेंटर, सेंक्टर 27, चण्डीगढ़; (2) की सीनियर टेक्नीकल असिस्टेंट, सेंट्रल सोयल एण्ड वाटर कन्जरवेशन, रिसर्च ट्रेनिंग इन्स्टीच्यूट, रिसर्च फार्म, मनसा देवी, डाकखाना मनीमाजरा, पंचकुला (अम्बाला), के श्रमिक श्री जगजी तथा उसके प्रबन्धकों के मध्य इसमें इसके बाद लिखित मामले में कोई औद्योगिक विवाद है;

और चूंकि हरियाणा के राज्यपाल विवाद को न्यायनिर्णय हेतु निश्चित करना बांछनीय समझते हैं;

इसलिए, अब, औद्योगिक विवाद अधिनियम, 1947 की धारा 10 की उपधारा (1) के खण्ड (ग) द्वारा प्रदान की गई शक्तियों का प्रयोग करते हुए हरियाणा के राज्यपाल इसके द्वारा सरकारी अधिसूचना सं० 3 (44)84-3-श्रम, दिनांक 18 अप्रैल, 1985, द्वारा उक्त अधिसूचना की धारा 7 के अधीन गठित श्रम न्यायालय, अम्बाला, को विवादग्रस्त या उससे सम्बन्धित नीचे लिखा मामला न्यायनिर्णय एवं पंचाट तीन मास में देने हेतु निश्चित करते हैं जो कि उक्त प्रबन्धकों तथा श्रमिक के बीच या तो विवादग्रस्त मामला है या विवाद से सुसंगत अथवा सम्बन्धित मामला है:—

क्या श्री जगजी की सेवाओं का समापन न्यायोचित तथा ठीक है? यदि नहीं, तो वह किस राहत का हकदार है?